

Exhibit A

Eric R. Chad

From: Young, David M [DYoung@goodwinprocter.com]
Sent: Friday, December 03, 2010 1:19 PM
To: Eric R. Chad; Strapp, Michael
Cc: Kirstin Stoll-DeBell; William D. Schultz; Robertson, Scott L
Subject: RE: Jury Instructions: Outstanding Issues

Eric, it is obviously too late in the day for us to react to new proposed instructions and a revised verdict form. With respect, we are not including these in the joint filing today. In addition, as we discussed yesterday, it is not appropriate for the parties to burden the Court with argument in this pleading, and we do not agree to include in the joint statement Lawson's various arguments in support of its instructions and its multi-page brief as to the burden of proof.

I have your separate email asking that we prepare redlines with your proposals on several of the disputed instructions. We are working on that now. After we have all the pieces together, I will forward to your team to ensure we have not missed a topic on which one of the parties tendered an instruction.

Where your email indicated you are stipulating to a proposed instruction, we are making that change as well.

Thanks

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From: Eric R. Chad [mailto:EChad@merchantgould.com]
Sent: Friday, December 03, 2010 1:40 PM
To: Young, David M; Strapp, Michael
Cc: Kirstin Stoll-DeBell; William D. Schultz
Subject: Jury Instructions: Outstanding Issues

David and Michael,

I tried to reach you by phone this morning (noon hour your time) to resolve some of the outstanding issues on Jury Instructions. I have attached to this email the following:

-A redline of the notes David sent regarding the parties issues on contested jury instructions. For some of these, I have simply noted that Lawson will stipulate to ePlus's proposed instruction, rendering the note unnecessary. Some of Lawson's proposed changes on these issues include substantive discussion of case law. We understand that the parties disagree on whether this is necessary. It is Lawson's position that it is. We have included these discussions in these notes so a unitary document can be presented to the Court.

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-A proposed new instruction discussing Circumstantial Evidence generally. Lawson objected to P-16 and takes the position that it is confusing to the jury to highlight the probative value of circumstantial evidence on only one issue, indirect infringement. Lawson's position on this issue, without substantive discussion of case law, is included with the proposed compromise instruction which is taken from model instructions and applies to all issues .

-A modification of proposed instruction D-24 on the issue of exhaustion that may resolve the parties' issues.

-An updated verdict form, following ePlus's formatting but separating out each accused product and the issues of indirect vs. direct infringement.

-A Document including Lawson's discussion on the issue of the "clear and convincing" evidence burden for patent invalidity and the presumption of validity.

We will respond to your email regarding additional redlines shortly. Please advise if there is anything you're missing.

Best,
Eric

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12/03/2010

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